

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-HC-2120-BO


ANTON JOHNSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
TRACY W. JOHNS,	)	
	)	
Respondent.	)	

On June 17, 2010, Anton Johnson (“Johnson” or “petitioner”) filed a petition for writ of habeas corpus [D.E. 1] under 28 U.S. C. § 2241 (“§ 2241”), challenging his present confinement under 18 U.S.C. § 4248 (“§ 4248”). On June 28, 2010, Johnson filed an amended petition [D.E. 4], in response to the court’s notice of deficiencies in the original filing.

The United States Court of Appeals for the Fourth Circuit’s recent decision in Timms v. Johns, No. 10-6496, 2010 WL 4925395 (4th. Cir. Dec. 6, 2010), held that a person against whom a § 4248 action has been initiated must exhaust all remedies within the § 4248 action prior to seeking a writ of habeas corpus under § 2241. Because the § 4248 action against petitioner in this case remains pending in this court (See United States v. Johnson, No. 5:09-HC-2045-BO), petitioner has not exhausted all remedies within the § 4248 action.

Accordingly, the petition for writ of habeas corpus as amended [D.E. 1, 4] is hereby DISMISSED WITHOUT PREJUDICE. The government’s motion to dismiss [D.E. 12] is hereby DENIED AS MOOT. The Clerk is DIRECTED to CLOSE the case.

SO ORDERED. This 31 day of January 2011.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE